



Rivers Alliance of Connecticut

TESTIMONY FOR THE JUDICIARY COMMITTEE
PUBLIC HEARING, MARCH 29, 2012

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A tax-exempt
organization under
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To: The Chairmen: Sen. Eric Coleman and Rep. Gerald Fox
And to the Members of the Committee
**RE: RB 445 AAC LIABILITY FOR THE
RECREATIONAL USE OF LAND**

Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship. Our 450 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents.

Thank you for this opportunity to comment on this bill, which represents a step backward from the state's commitment to encouraging outdoor recreation. Last year, dozens of groups, individuals, and businesses and individuals testified to the health and economic benefits of increasing opportunities for enjoyment of the state's wonderful open space. This year, with a new emphasis on tourism in Connecticut, the benefits are even more obvious.

In 2011, this Committee, after careful deliberation, determined that towns should enjoy approximately the same protections accorded private landowners who open their properties to the public free of charge for walking, biking, and other environment-friendly recreation. At a time when towns are watching every penny, the potential costs of litigation over accident-liability claims was prompting towns to begin restricting public access to open space. This caution had been slowly increasing since 1996, when a court basically stripped municipalities of their shield against law suits in the case of outdoor accidents. The ruling created an irrational, unfair scheme under which a hiker on a trail traversing private, state, and town land would not be able to sue over a sprained ankle except if the accident happened on the town-owned section of the trail, where liability law is more severe.

The new liability-risk areas created in 445 include wooden and paved walking and biking trails, as well as beaches open to the public. This would endanger access to beloved greenways, and to numerous more modest paths and stream-side open spaces. There is no need to impose this liability burden on Connecticut communities, and thereby restrict access to recreation that all can afford. Please reject this bill.

Sincerely, Margaret Miner, Executive Director